

AMENDED IN ASSEMBLY APRIL 7, 2015
AMENDED IN ASSEMBLY MARCH 18, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 254

Introduced by Assembly Members Roger Hernández and Calderon

February 9, 2015

An act to ~~amend~~ *amend, repeal, and add* Sections 1000, 1003, 1301, and 13112 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 254, as amended, Roger Hernández. Election dates.

Existing law establishes election dates in each year, which are the second Tuesday of April in each even-numbered year, the first Tuesday after the first Monday in March of each odd-numbered year, the first Tuesday after the first Monday in June in each year, and the first Tuesday after the first Monday in November of each year. Existing law requires all state, county, municipal, district, and school district elections to be held on an established election date, except for a special election called by the Governor, an election held in a chartered city or chartered county, certain school district elections, a local ballot measure or local recall election, and an all-mailed ballot election.

This bill ~~would~~ *would, commencing January 1, 2020*, eliminate the established election dates in March and April. The bill would, *commencing January 1, 2020*, except for certain special elections, eliminate the exceptions for elections held in a chartered city or chartered county and school district elections consolidated with chartered city elections, thereby requiring these elections to be held on an established election date. The bill would declare that increasing voter

turnout at local elections and promoting the fundamental right to vote are matters of statewide concern.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that
2 significantly increasing voter turnout at local elections and
3 promoting the fundamental right to vote are matters of statewide
4 concern. Therefore, this act applies to every political subdivision
5 in this state, including, but not limited to, charter counties, charter
6 cities, and charter cities and counties.

7 SEC. 2. It is the intent of the Legislature that the statutory
8 changes made by this act do both of the following:

9 (a) Encourage increased voter participation.

10 (b) Not alter the date of a runoff election provided for in the
11 principal act of a district.

12 ~~SEC. 3. Section 1000 of the Elections Code is amended to read:~~

13 ~~1000. The established election dates in each year are as follows:~~

14 ~~(a) The first Tuesday after the first Monday in June of each~~
15 ~~year.~~

16 ~~(b) The first Tuesday after the first Monday in November of~~
17 ~~each year.~~

18 ~~SEC. 4. Section 1003 of the Elections Code is amended to read:~~

19 ~~1003. This chapter does not apply to the following:~~

20 ~~(a) A special election called by the Governor.~~

21 ~~(b) A special election called by a local governmental entity~~
22 ~~including, but not limited to, a chartered city, chartered county, or~~
23 ~~school district.~~

24 ~~(c) A school governing board election initiated by petition~~
25 ~~pursuant to Section 5091 of the Education Code.~~

26 ~~(d) A county, municipal, district, or school district initiative,~~
27 ~~referendum, or recall election.~~

28 ~~(e) An election conducted solely by mailed ballot pursuant to~~
29 ~~Division 4 (commencing with Section 4000).~~

30 ~~(f) Elections held pursuant to Article 1 (commencing with~~
31 ~~Section 15100) of Chapter 1, or pursuant to Article 4 (commencing~~
32 ~~with Section 15340) of Chapter 2 of, Part 10 of Division 1 of Title~~
33 ~~1 of the Education Code.~~

1 ~~SEC. 5. Section 1301 of the Elections Code is amended to read:~~
2 ~~1301. (a) Except as required by Section 57379 of the~~
3 ~~Government Code, and except as provided in subdivision (b), a~~
4 ~~general municipal election shall be held on an established election~~
5 ~~date pursuant to Section 1000.~~

6 ~~(b) (1) A city council may enact an ordinance, pursuant to~~
7 ~~Division 10 (commencing with Section 10000), requiring its~~
8 ~~general municipal election to be held on the same day as the~~
9 ~~statewide direct primary election, the day of the statewide general~~
10 ~~election, or on the day of school district elections as set forth in~~
11 ~~Section 1302. An ordinance adopted pursuant to this subdivision~~
12 ~~shall become operative upon approval by the board of supervisors.~~

13 ~~(2) In the event of consolidation, the general municipal election~~
14 ~~shall be conducted in accordance with all applicable procedural~~
15 ~~requirements of this code pertaining to that primary, general, or~~
16 ~~school district election, and shall thereafter occur in consolidation~~
17 ~~with that election.~~

18 ~~(c) If a city adopts an ordinance described in subdivision (b),~~
19 ~~the municipal election following the adoption of the ordinance and~~
20 ~~each municipal election thereafter shall be conducted on the date~~
21 ~~specified by the city council, in accordance with subdivision (b),~~
22 ~~unless the ordinance in question is later repealed by the city~~
23 ~~council.~~

24 ~~(d) If the date of a general municipal election is changed~~
25 ~~pursuant to subdivision (b), at least one election shall be held before~~
26 ~~the ordinance, as approved by the board of supervisors, may be~~
27 ~~subsequently repealed or amended.~~

28 ~~SEC. 6. Section 13112 of the Elections Code is amended to~~
29 ~~read:~~

30 ~~13112. The Secretary of State shall conduct a drawing of the~~
31 ~~letters of the alphabet, the result of which shall be known as a~~
32 ~~randomized alphabet. The procedure shall be as follows:~~

33 ~~(a) Each letter of the alphabet shall be written on a separate slip~~
34 ~~of paper, each of which shall be folded and inserted into a capsule.~~
35 ~~Each capsule shall be opaque and of uniform weight, color, size,~~
36 ~~shape, and texture. The capsules shall be placed in a container,~~
37 ~~which shall be shaken vigorously in order to mix the capsules~~
38 ~~thoroughly. The container then shall be opened and the capsules~~
39 ~~removed at random one at a time. As each capsule is removed, it~~
40 ~~shall be opened and the letter on the slip of paper read aloud and~~

1 written down. The resulting random order of letters constitutes the
2 randomized alphabet, which is to be used in the same manner as
3 the conventional alphabet in determining the order of all candidates
4 in all elections. For example, if two candidates with the surnames
5 Campbell and Carlson are running for the same office, their order
6 on the ballot will depend on the order in which the letters M and
7 R were drawn in the randomized alphabet drawing.

8 (b) (1) There shall be four drawings, two in each even-numbered
9 year and two in each odd-numbered year. Each drawing shall be
10 held at 11 a.m. on the date specified in this subdivision. The results
11 of each drawing shall be mailed immediately to each county
12 elections official responsible for conducting an election to which
13 the drawing applies, who shall use it in determining the order on
14 the ballot of the names of the candidates for office.

15 (A) The first drawing under this subdivision shall take place on
16 the 82nd day before the direct primary of an even-numbered year,
17 and shall apply to all candidates on the ballot in that election.

18 (B) (i) The second drawing under this subdivision shall take
19 place on the 82nd day before the November general election of an
20 even-numbered year, and shall apply to all candidates on the ballot
21 in the November general election.

22 (ii) In the case of the primary election and the November general
23 election, the Secretary of State shall certify and transmit to each
24 county elections official the order in which the names of federal
25 and state candidates, with the exception of candidates for State
26 Senate and Assembly, shall appear on the ballot. The elections
27 official shall determine the order on the ballot of all other
28 candidates using the appropriate randomized alphabet for that
29 purpose.

30 (C) The third drawing under this subdivision shall take place
31 on the 82nd day before the first Tuesday after the first Monday in
32 June of each odd-numbered year, and shall apply to all candidates
33 on the ballot in the elections held on that date.

34 (D) The fourth drawing under this subdivision shall take place
35 on the 82nd day before the first Tuesday after the first Monday in
36 November of the odd-numbered year, and shall apply to all
37 candidates on the ballot in the elections held on that date.

38 (2) If there is to be an election of candidates to a special district,
39 school district, charter city, or other local government body at the
40 same time as one of the four major election dates specified in

subparagraphs (A) to (D), inclusive, of paragraph (1) and the last possible day to file nomination papers for the local election would occur after the date of the drawing for the major election date, the procedure set forth in Section 13113 shall apply.

(e) Each randomized alphabet drawing shall be open to the public. At least 10 days before a drawing, the Secretary of State shall notify the news media and other interested parties of the date, time, and place of the drawing. The president of each statewide association of local officials with responsibilities for conducting elections shall be invited by the Secretary of State to attend each drawing or send a representative. The state chairman of each qualified political party shall be invited to attend or send a representative in the case of drawings held to determine the order of candidates on the primary election ballot, the November general election ballot, or a special election ballot as provided for in subdivision (d).

(d) In the case of a special election for State Assembly, State Senate, or Representative in Congress, on the first weekday after the close of filing of nomination papers for the office, the Secretary of State shall conduct a public drawing to produce a randomized alphabet in the same manner as provided for in subdivisions (a) and (c). The resulting randomized alphabet shall be used for determining the order on the ballot of the candidates in both the primary election for the special election and in the special election.

SEC. 3. Section 1000 of the Elections Code is amended to read:

1000. (a) The established election dates in each year are as follows:

(a)

(1) The second Tuesday of April in each even-numbered year.

(b)

(2) The first Tuesday after the first Monday in March of each odd-numbered year.

(c)

(3) The first Tuesday after the first Monday in June in each year.

(d)

(4) The first Tuesday after the first Monday in November of each year.

(b) *This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.*

SEC. 4. Section 1000 is added to the Elections Code, to read:
1000. (a) *The established election dates in each year are as follows:*

(1) *The first Tuesday after the first Monday in June.*

(2) *The first Tuesday after the first Monday in November.*

(b) *This section shall become operative on January 1, 2020.*

SEC. 5. Section 1003 of the Elections Code is amended to read:

1003. (a) This chapter ~~shall~~ does not apply to the following:

~~(a) Any~~

(1) A special election called by the Governor.

~~(b)~~

(2) Elections held in chartered cities or chartered counties in which the charter provisions are inconsistent with this chapter.

~~(c) School~~

(3) A school governing board ~~elections~~ election consolidated pursuant to Section 1302.2 or initiated by petition pursuant to Section 5091 of the Education Code.

~~(d)~~

(4) Elections of any kind required or permitted to be held by a school district located in a chartered city or county when the election is consolidated with a regular city or county election held in a jurisdiction that includes 95 percent or more of the school district's population.

~~(e) County,~~

(5) A county, municipal, district, ~~and~~ or school district initiative, referendum, or recall ~~elections;~~ election.

~~(f) Any~~

(6) An election conducted solely by mailed ballot pursuant to Division 4 (commencing with Section 4000).

~~(g)~~

(7) Elections held pursuant to Article 1 (commencing with Section 15100) of Chapter 1, or pursuant to Article 4 (commencing with Section 15340) of Chapter 2 of, Part 10 of *Division 1 of Title 1* of the Education Code.

(b) *This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.*

1 *SEC. 6. Section 1003 is added to the Elections Code, to read:*

2 *1003. (a) This chapter does not apply to the following:*

3 *(1) A special election called by the Governor.*

4 *(2) A special election called by a local governmental entity*
5 *including, but not limited to, a chartered city, chartered county,*
6 *or school district.*

7 *(3) A school governing board election initiated by petition*
8 *pursuant to Section 5091 of the Education Code.*

9 *(4) A county, municipal, district, or school district initiative,*
10 *referendum, or recall election.*

11 *(5) An election conducted solely by mailed ballot pursuant to*
12 *Division 4 (commencing with Section 4000).*

13 *(6) Elections held pursuant to Article 1 (commencing with*
14 *Section 15100) of Chapter 1, or pursuant to Article 4 (commencing*
15 *with Section 15340) of Chapter 2 of, Part 10 of Division 1 of Title*
16 *1 of the Education Code.*

17 *(b) This section shall become operative on January 1, 2020.*

18 *SEC. 7. Section 1301 of the Elections Code is amended to read:*

19 1301. (a) Except as required by Section 57379 of the
20 Government Code, and except as provided in subdivision (b), a
21 general municipal election shall be held on an established election
22 date pursuant to Section 1000.

23 (b) (1) Notwithstanding subdivision (a), a city council may
24 enact an ordinance, pursuant to Division 10 (commencing with
25 Section 10000), requiring its general municipal election to be held
26 on the same day as the statewide direct primary election, the day
27 of the statewide general election, on the day of school district
28 elections as set forth in Section 1302, the first Tuesday after the
29 first Monday of March in each odd-numbered year, or the second
30 Tuesday of April in each year. ~~Any~~ *An* ordinance adopted pursuant
31 to this subdivision shall become operative upon approval by the
32 board of supervisors.

33 (2) In the event of consolidation, the general municipal election
34 shall be conducted in accordance with all applicable procedural
35 requirements of this code pertaining to that primary, general, or
36 school district election, and shall thereafter occur in consolidation
37 with that election.

38 (c) If a city adopts an ordinance described in subdivision (b),
39 the municipal election following the adoption of the ordinance and
40 each municipal election thereafter shall be conducted on the date

1 specified by the city council, in accordance with subdivision (b),
2 unless the ordinance in question is later repealed by the city
3 council.

4 (d) If the date of a general municipal election is changed
5 pursuant to subdivision (b), at least one election shall be held before
6 the ordinance, as approved by the board of supervisors, may be
7 subsequently repealed or amended.

8 (e) *This section shall remain in effect only until January 1, 2020,*
9 *and as of that date is repealed, unless a later enacted statute, that*
10 *is enacted before January 1, 2020, deletes or extends that date.*

11 SEC. 8. Section 1301 is added to the Elections Code, to read:

12 1301. (a) *Except as required by Section 57379 of the*
13 *Government Code, and except as provided in subdivision (b), a*
14 *general municipal election shall be held on an established election*
15 *date pursuant to Section 1000.*

16 (b) (1) *A city council may enact an ordinance, pursuant to*
17 *Division 10 (commencing with Section 10000), requiring its*
18 *general municipal election to be held on the same day as the*
19 *statewide direct primary election, the day of the statewide general*
20 *election, or on the day of school district elections as set forth in*
21 *Section 1302. An ordinance adopted pursuant to this subdivision*
22 *shall become operative upon approval by the board of supervisors.*

23 (2) *In the event of consolidation, the general municipal election*
24 *shall be conducted in accordance with all applicable procedural*
25 *requirements of this code pertaining to that primary, general, or*
26 *school district election, and shall thereafter occur in consolidation*
27 *with that election.*

28 (c) *If a city adopts an ordinance described in subdivision (b),*
29 *the municipal election following the adoption of the ordinance*
30 *and each municipal election thereafter shall be conducted on the*
31 *date specified by the city council, in accordance with subdivision*
32 *(b), unless the ordinance in question is later repealed by the city*
33 *council.*

34 (d) *If the date of a general municipal election is changed*
35 *pursuant to subdivision (b), at least one election shall be held*
36 *before the ordinance, as approved by the board of supervisors,*
37 *may be subsequently repealed or amended.*

38 (e) *This section shall become operative on January 1, 2020.*

39 SEC. 9. Section 13112 of the Elections Code is amended to
40 read:

13112. The Secretary of State shall conduct a drawing of the letters of the alphabet, the result of which shall be known as a randomized alphabet. The procedure shall be as follows:

(a) Each letter of the alphabet shall be written on a separate slip of paper, each of which shall be folded and inserted into a capsule. Each capsule shall be opaque and of uniform weight, color, size, shape, and texture. The capsules shall be placed in a container, which shall be shaken vigorously in order to mix the capsules thoroughly. The container then shall be opened and the capsules removed at random one at a time. As each *capsule* is removed, it shall be opened and the letter on the slip of paper read aloud and written down. The resulting random order of letters constitutes the randomized alphabet, which is to be used in the same manner as the conventional alphabet in determining the order of all candidates in all elections. For example, if two candidates with the surnames Campbell and Carlson are running for the same office, their order on the ballot will depend on the order in which the letters M and R were drawn in the randomized alphabet drawing.

(b) (1) There shall be six drawings, three in each even-numbered year and three in each odd-numbered year. Each drawing shall be held at 11 a.m. on the date specified in this subdivision. The results of each drawing shall be mailed immediately to each county elections official responsible for conducting an election to which the drawing is ~~applicable~~, *applies*, who shall use it in determining the order on the ballot of the names of the candidates for office.

(A) The first drawing under this subdivision shall take place on the 82nd day before the April general law city elections of an even-numbered year, and shall apply to those elections and any other elections held at the same time.

(B) The second drawing under this subdivision shall take place on the 82nd day before the direct primary of an even-numbered year, and shall apply to all candidates on the ballot in that election.

(C) (i) The third drawing under this subdivision shall take place on the 82nd day before the November general election of an even-numbered year, and shall apply to all candidates on the ballot in the November general election.

(ii) In the case of the primary election and the November general election, the Secretary of State shall certify and transmit to each county elections official the order in which the names of federal and state candidates, with the exception of candidates for State

Senate and Assembly, shall appear on the ballot. The elections official shall determine the order on the ballot of all other candidates using the appropriate randomized alphabet for that purpose.

(D) The fourth drawing under this subdivision shall take place on the 82nd day before the March general law city elections of each odd-numbered year, and shall apply to those elections and any other elections held at the same time.

(E) The fifth drawing under this subdivision shall take place on the 82nd day before the first Tuesday after the first Monday in June of each odd-numbered year, and shall apply to all candidates on the ballot in the elections held on that date.

(F) The sixth drawing under this subdivision shall take place on the 82nd day before the first Tuesday after the first Monday in November of the odd-numbered year, and shall apply to all candidates on the ballot in the elections held on that date.

(2) ~~In the event~~ If there is to be an election of candidates to a special district, school district, charter city, or other local government body at the same time as one of the five major election dates specified in subparagraphs (A) to (F), inclusive, and the last possible day to file nomination papers for the local election would occur after the date of the drawing for the major election date, the procedure set forth in Section 13113 shall apply.

(c) Each randomized alphabet drawing shall be open to the public. At least 10 days ~~prior to~~ before a drawing, the Secretary of State shall notify the news media and other interested parties of the date, time, and place of the drawing. The president of each statewide association of local officials with responsibilities for conducting elections shall be invited by the Secretary of State to attend each drawing or send a representative. The state chairman of each qualified political party shall be invited to attend or send a representative in the case of drawings held to determine the order of candidates on the primary election ballot, the November general election ballot, or a special election ballot as provided for in subdivision (d).

(d) In the case of ~~any~~ a special election for State Assembly, State Senate, or Representative in Congress, on the first weekday after the close of filing of nomination papers for the office, the Secretary of State shall conduct a public drawing to produce a randomized alphabet in the same manner as provided for in

subdivisions (a) and (c). The resulting randomized alphabet shall be used for determining the order on the ballot of the candidates in both the primary election for the special election and in the special election.

(e) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 10. Section 13112 is added to the Elections Code, to read:

13112. The Secretary of State shall conduct a drawing of the letters of the alphabet, the result of which shall be known as a randomized alphabet. The procedure shall be as follows:

(a) Each letter of the alphabet shall be written on a separate slip of paper, each of which shall be folded and inserted into a capsule. Each capsule shall be opaque and of uniform weight, color, size, shape, and texture. The capsules shall be placed in a container, which shall be shaken vigorously in order to mix the capsules thoroughly. The container then shall be opened and the capsules removed at random one at a time. As each capsule is removed, it shall be opened and the letter on the slip of paper read aloud and written down. The resulting random order of letters constitutes the randomized alphabet, which is to be used in the same manner as the conventional alphabet in determining the order of all candidates in all elections. For example, if two candidates with the surnames Campbell and Carlson are running for the same office, their order on the ballot will depend on the order in which the letters M and R were drawn in the randomized alphabet drawing.

(b) (1) There shall be four drawings, two in each even-numbered year and two in each odd-numbered year. Each drawing shall be held at 11 a.m. on the date specified in this subdivision. The results of each drawing shall be mailed immediately to each county elections official responsible for conducting an election to which the drawing applies, who shall use it in determining the order on the ballot of the names of the candidates for office.

(A) The first drawing under this subdivision shall take place on the 82nd day before the direct primary of an even-numbered year, and shall apply to all candidates on the ballot in that election.

(B) (i) The second drawing under this subdivision shall take place on the 82nd day before the November general election of an

1 even-numbered year; and shall apply to all candidates on the ballot
2 in the November general election.

3 (ii) In the case of the primary election and the November general
4 election, the Secretary of State shall certify and transmit to each
5 county elections official the order in which the names of federal
6 and state candidates, with the exception of candidates for State
7 Senate and Assembly, shall appear on the ballot. The elections
8 official shall determine the order on the ballot of all other
9 candidates using the appropriate randomized alphabet for that
10 purpose.

11 (C) The third drawing under this subdivision shall take place
12 on the 82nd day before the first Tuesday after the first Monday in
13 June of each odd-numbered year; and shall apply to all candidates
14 on the ballot in the elections held on that date.

15 (D) The fourth drawing under this subdivision shall take place
16 on the 82nd day before the first Tuesday after the first Monday in
17 November of the odd-numbered year; and shall apply to all
18 candidates on the ballot in the elections held on that date.

19 (2) If there is to be an election of candidates to a special district,
20 school district, charter city, or other local government body at the
21 same time as one of the four major election dates specified in
22 subparagraphs (A) to (D), inclusive, of paragraph (1) and the last
23 possible day to file nomination papers for the local election would
24 occur after the date of the drawing for the major election date, the
25 procedure set forth in Section 13113 shall apply.

26 (c) Each randomized alphabet drawing shall be open to the
27 public. At least 10 days before a drawing, the Secretary of State
28 shall notify the news media and other interested parties of the date,
29 time, and place of the drawing. The president of each statewide
30 association of local officials with responsibilities for conducting
31 elections shall be invited by the Secretary of State to attend each
32 drawing or send a representative. The state chairman of each
33 qualified political party shall be invited to attend or send a
34 representative in the case of drawings held to determine the order
35 of candidates on the primary election ballot, the November general
36 election ballot, or a special election ballot as provided for in
37 subdivision (d).

38 (d) In the case of a special election for State Assembly, State
39 Senate, or Representative in Congress, on the first weekday after
40 the close of filing of nomination papers for the office, the Secretary

1 *of State shall conduct a public drawing to produce a randomized*
2 *alphabet in the same manner as provided for in subdivisions (a)*
3 *and (c). The resulting randomized alphabet shall be used for*
4 *determining the order on the ballot of the candidates in both the*
5 *primary election for the special election and in the special election.*

6 *(e) This section shall become operative on January 1, 2020.*

7 ~~SEC. 7.~~

8 *SEC. 11.* This act shall not be construed to shorten the term of
9 office of any officeholder in office on ~~the effective date of this act.~~

10 *January 1, 2020.* For each office for which this act causes the
11 election to be held at a later date than would have been the case
12 in the absence of this act, the incumbent shall hold office until a
13 successor qualifies for the office, but in no event shall the term of
14 an incumbent be extended by more than four years.